

AMENDED IN ASSEMBLY APRIL 23, 2002

AMENDED IN ASSEMBLY APRIL 15, 2002

AMENDED IN ASSEMBLY MARCH 13, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1797

Introduced by Assembly Member Harman

January 15, 2002

An act to add Section 87105 to the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 1797, as amended, Harman. Conflicts of interest: disqualification.

Existing provisions of the Political Reform Act of 1974 prohibit a public official at any level of state or local government from making, participating in making, or attempting to use his or her official position to influence a governmental decision in which he or she knows or has reason to know that he or she has a financial interest, as defined. Existing law also requires specified elected and appointed officers at the state and local level of government to disclose specified financial interests by filing periodic statements of economic interests.

This bill would require a public official who holds a specified office and who has a financial interest in a decision within the meaning of the Political Reform Act of 1974 to publicly identify the financial interest giving rise to the conflict of interest or potential conflict of interest, recuse himself or herself from discussing and voting on the matter, and

leave the room until after the discussion, vote, and other disposition of the matter is concluded, except as specified.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87105 is added to the Government
2 Code, to read:

3 87105. (a) A public official who holds an office specified in
4 Section 87200 who has a financial interest in a decision within the
5 meaning of Section 87100 shall, upon identifying a conflict of
6 interest or a potential conflict of interest and immediately prior to
7 the consideration of the matter, do all of the following:

8 ~~(a)~~

9 (1) Publicly identify the financial interest that gives rise to the
10 conflict of interest or potential conflict of interest in detail
11 sufficient to be understood by the public, except that disclosure of
12 the exact street address of a residence is not required.

13 ~~(b)~~

14 (2) Recuse himself or herself from discussing and voting on the
15 matter.

16 ~~(c)~~

17 (3) Leave the room until after the discussion, vote, and any
18 other disposition of the matter is concluded, unless the matter has



1 been placed on the portion of the agenda reserved for uncontested
2 matters.

3 *(b) This section does not apply to Members of the Legislature.*

4 SEC. 2. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 the only costs that may be incurred by a local agency or school
7 district will be incurred because this act creates a new crime or
8 infraction, eliminates a crime or infraction, or changes the penalty
9 for a crime or infraction, within the meaning of Section 17556 of
10 the Government Code, or changes the definition of a crime within
11 the meaning of Section 6 of Article XIII B of the California
12 Constitution.

13 SEC. 3. The Legislature finds and declares that the provisions
14 of this act further the purposes of the Political Reform Act of 1974
15 within the meaning of subdivision (a) of Section 81012 of the
16 Government Code.

